

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

In re:
Sam Bass Illustration & Design, Inc.

Case No. B-16-51021

Debtor

MOTION BY BANKRUPTCY ADMINISTRATOR TO DISMISS CASE

Comes now the undersigned Bankruptcy Administrator for the Middle District of North Carolina ("BA") moving to dismiss this Chapter 11 case pursuant to Section 11 U.S.C. 1112(a),(b),(j) and (k), and in support of such motion respectfully shows unto the Court as follows:

1. This case was commenced on October 3, 2016 by a voluntary petition seeking reorganization under Chapter 11 of the Bankruptcy Code. Since the filing of the petition, the debtor has remained in possession of its assets and is a debtor-in-possession.
2. Upon information and belief, the Debtor has not filed its 2015 tax return, which is late.
3. According to the December monthly report, actual expenses exceed the income by \$4,584.45. At the current level of operation, there is a continuing loss to the estate and no reasonable likelihood of rehabilitation.
4. During December, 2016, the Debtor overspent the budget contained in the Second and Third Interim Cash collateral orders, as supplemented by the Debtor's "Proposed 30 day budget" (Doc.84) in certain line items in violation of the Court's Orders.

WHEREFORE, for the reasons stated above, the undersigned respectfully prays entry by the Court of its order dismissing the case and for such other and further relief the court may seem just and proper.

This the 2nd day of February, 2017.

U. S. BANKRUPTCY ADMINISTRATOR

By: s/Robert E. Price, Jr._____
Robert E. Price, Jr.
N.C. State Bar No. 9422

CERTIFICATE OF SERVICE

This is to certify that , on this date, the foregoing document was served upon the following parties or counsel by electronic mailing or by depositing a copy in the United States mail, first class, postage prepaid, addressed as follows:

Kristen Nardone via electronic service

Nathan Strup via electronic service

David Lennon
N. C. Department of Revenue
9001 Mail Service Center
Raleigh, NC 27699

Date: February 2, 2017

Bys/Robert E. Price, Jr
Robert E. Price, Jr.
N.C. State Bar No. 9422